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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,480	08/23/2001	Kiyoshi Miyake	018656-242	8425
7590	11/15/2005		EXAMINER	
Platon N. Mandros BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			LETT, THOMAS J	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/934,480	MIYAKE, KIYOSHI	
	Examiner	Art Unit	
	Thomas J. Lett	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A program product is merely a set of instructions and by itself produces no tangible outcome.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2626

4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuo et al (USPN 6,775,729 B1).

With respect to claim 1, Matsuo et al disclose an image forming apparatus (multi-functional peripheral device 201) comprising:

a printing portion (three physical printers LBP 103, LBP 104, and IJP 105 can be selected from to issue a print job. Also, four logical printers (cluster) LBP 103+LBP 104, LBP 104+IJP 105, LBP 103+IJP 105, and LBP 103+LBP 104+IJP 105, can be selected from to issue a print job. Also, automatic selection from the above seven printers LBP 103, LBP 104, IJP 105, LBP 103+LBP 104, LBP 104+IJP 105, LBP 103+IJP 105, and LBP 103+LBP 104+IJP 105, can be selected from to issue a print job. Further, the IJP can be used to configure a logical printer capable only of B/W printing, to issue a print job, col. 6, line 63- col. 7, line 8) for printing based on received print data; and

a plurality of controllers (print job managers 501 through 509 and 513 shown in FIG. 5, col. 34, lines 60-64) for respectively receiving a print job, and generating image data by image development of the received print job (image development is done by a PDL rasterizer in step 3907 and when this step is completed, image data is received from the PDL rasterizer in step 3908, col. 35, lines 21-25), each controller requesting the printing portion to start printing after complete image development of a received print job (after step 3908, the rasterized image data can be handled by the print job managers 501 through 509 and 513 shown in FIG. 5, col. 34, lines 60-64 to add to a job printing queue to begin printing, see process flow of Fig. 55).

With respect to claim 2, Matsuo et al disclose an image forming apparatus as claimed in claim 1, further comprising:

a job control portion (job request table (FIG. 21)) for receiving and storing the printing request (copy job manager starts processing of the job after providing of the job is completed. Accordingly, the scan job manager starts the job processing in FIG. 57 as the job completing processing in step 3815 in FIG. 53. In step 4101, the job is provided to the scanner controller 420 and a job ID is received. In step 4102, the job ID, scanner controller ID, and the job ID received from the scanner controller 420, are recorded to the job request table (FIG. 21), col. 39, lines 50-63) and instructing the printing portion to start in sequence that the job control portion receives the printing request (the job file name is held in the file name 2903 of the job queue table (FIG. 42)).

With respect to claim 3, discloses an image forming apparatus as claimed in claim 2, wherein the job control portion (the job request table (FIG. 21) shows control information for print jobs) informs a user who sends a print job of printing information.

With respect to claim 4, Matsuo et al disclose an image forming apparatus as claimed in claim 3, wherein the printing information is a time to start printing (execution of normal jobs may be delayed according to the execution priority, execution start time, and state of use of the controllers, col. 20, lines 56-58).

With respect to claim 5, Matsuo et al disclose an image forming apparatus as claimed in claim 3, wherein the printing information is a time to finish printing (remaining limit time 1508 attribute determines the lifespan of the job in the device, col. 20, lines 55-56).

With respect to claim 6, Matsuo et al disclose an image forming apparatus as claimed in claim 1, further comprising:

a selector (the print job manager 513 has the function of interrupting at least one of the print jobs being provided to the print controllers and executed by the print job managers, so as to execute a job before the print job that is being interrupted. In the event that job is being executed and then is interrupted, the execution thereof is preferably interrupted at a good stopping place (e.g., at the point of discharging a page) that the print engine can provide, col. 11, lines 40-48) for selecting a way of requesting the printing portion to start printing between after complete image development of a received print job and after complete image development of one page of a received print job.

With respect to claim 7, Matsuo et al disclose a control method for controlling an image forming system having a plurality of controllers (print job managers 501 through 509 and 513 shown in FIG. 5, col. 34, lines 60-64) which generate print data by image development of received print job (image development is done by a PDL rasterizer in step 3907 and when this step is completed, image data is received from the PDL rasterizer in step 3908, col. 35, lines 21-25), and transmit the generated print data to a printing portion (several printers can be selected from to issue a print job, col. 6, line 63-col. 7, line 8), the control method comprising the steps of:

each controller issuing a print request to the printing portion after complete development of a received print job (after step 3908, the rasterized image data can be

Art Unit: 2626

handled by the print job managers 501 through 509 and 513 shown in FIG. 5, col. 34, lines 60-64 to add to a job printing queue to begin printing, see process flow of Fig. 55);

storing each print request sequentially (the job file name is held in the file name 2903 of the job queue table (FIG. 42)); and

having the printing portion print in the stored print request sequence (the print job is performed in the sequence of the job queue table of Fig. 42 unless the job is interrupted or given a new priority).

With respect to claim 8, Matsuo et al disclose an image data processing method comprising the steps of:

receiving a print job (print jobs can be issued and downloads/uploads can be instructed simultaneously to the sub-addresses of each of the interfaces, col. 7, lines 31-33);

developing the print job and generating print data (image development is done by a PDL rasterizer in step 3907 and when this step is completed, image data is received from the PDL rasterizer in step 3908, col. 35, lines 21-25); and

requesting a printing portion to start printing after complete image development of the received print job (after step 3908, the rasterized image data can be handled by the print job managers 501 through 509 and 513 shown in FIG. 5, col. 34, lines 60-64 to add to a job printing queue to begin printing, see process flow of Fig. 55).

With respect to claim 9, Matsuo et al disclose a program product (the objects of the present invention are achieved by supplying a storage medium (FIGS. 76 and 77) in

Art Unit: 2626

which is recorded program code of software (control program), col. 56, lines 32-35) comprising the steps of:

receiving a print job (print jobs can be issued and downloads/uploads can be instructed simultaneously to the sub-addresses of each of the interfaces, col. 7, lines 31-33);

developing the print job and generating print data (image development is done by a PDL rasterizer in step 3907 and when this step is completed, image data is received from the PDL rasterizer in step 3908, col. 35, lines 21-25); and

requesting a printing portion to start printing after complete image development of the received print job (after step 3908, the rasterized image data can be handled by the print job managers 501 through 509 and 513 shown in FIG. 5, col. 34, lines 60-64 to add to a job printing queue to begin printing, see process flow of Fig. 55).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571)272-7464. The examiner can normally be reached on 7-3:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJL

(TJL)


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER